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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 CISCO SYSTEMS, INC.,

18 Plaintiff,

19 v.

20 ARISTA NETWORKS, INC.,

21 Defendant.

Case No. 5:14-cv-05344-BLF (NC)

**DEFENDANT ARISTA NETWORKS,
INC.'S ADMINISTRATIVE MOTION TO
FILE DOCUMENTS UNDER SEAL IN
CONNECTION WITH ARISTA'S
MOTIONS IN LIMINE NOS. 1-5**

Judge: Hon. Beth Labson Freeman

Date Filed: December 5, 2014

Trial Date: November 21, 2016

Pursuant to the Northern District of California's Civil Local Rules 7-11 and 79-5(d)-(e), Defendant Arista Networks, Inc. ("Arista") respectfully submits this administrative motion to file under seal documents and information filed in connection with Arista's Motions *in Limine* Nos. 1-5.

Arista requests an order granting its motion to seal the following documents:

Document	Portions of Document to be Sealed	Parties Claiming Confidentiality
Arista's Motion <i>in Limine</i> No. 1 Re ITC Investigations References	Highlighted Portions	<i>Arista</i>
Arista's Motion <i>in Limine</i> No. 5 to Exclude Evidence and Argument Regarding Documents Labeled as "Confidential" to Cisco	Highlighted Portions	<i>Cisco</i>
Exhibit A to the Wong Decl. (Excerpts from the Cisco Trial Exhibit List)	Entire	<i>Cisco</i>
Exhibit C to the Wong Decl. (Excerpts from Exhibit Copying-6 to the Expert Report of Kevin Almeroth, served on June 3, 2016)	Entire	<i>Cisco</i>
Exhibit D to the Wong Decl. (Cisco's Supplemental Objections and Responses to Arista Networks, Inc.'s Interrogatory Nos. 2-10, dated May 27, 2016)	Page 16 (highlighted)	<i>Cisco</i>
Exhibit V to the Wong Decl. (TX03480 – Example of an Arista-Produced Document with "Cisco Confidential" Labeling on Cisco's trial exhibit list)	Entire	<i>Cisco</i>

Document	Portions of Document to be Sealed	Parties Claiming Confidentiality
Exhibit W to the Wong Decl. (TX03741 – Example of an Arista-Produced Document with “Cisco Confidential” Labeling on Cisco’s trial exhibit list)	Entire	<i>Cisco</i>
Exhibit X to the Wong Decl. (TX04564 – Example of an Arista-Produced Document with “Cisco Confidential” Labeling on Cisco’s trial exhibit list)	Entire	<i>Cisco</i>
Exhibit Y to the Wong Decl. (Drew Pletcher Deposition Transcript Excerpts)	Entire	<i>Cisco</i>
Exhibit Z to the Wong Decl. (Deepak Malik Deposition Transcript Excerpts)	Entire	<i>Cisco</i>

Arista’s Motions *in Limine* Nos. 1–5 are non-dispositive motions. In the context of non-dispositive motions, the materials may be sealed so long as the party seeking sealing makes a “particularized showing” under the “good cause” standard of Federal Rule of Civil Procedure 26(c). *Kamkana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1138 (9th Cir. 2003)). In addition, Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, that the document is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

For the portions of the foregoing exhibits that Arista seeks to file under seal, Arista has established good cause to seal those materials through the Declaration of Andrea Nill Sanchez in Support of Arista’s Administrative Motion to File Under Seal, which is being filed contemporaneously herewith. Also filed concurrently with this Motion are redacted and

1 highlighted versions of the above-referenced documents indicating the specific portions of the
2 documents that Arista is submitting under seal.

3 To the extent that Arista has not sought to seal Arista-related material, Arista takes no
4 position on whether the Cisco-designated portions of any of the foregoing documents should be
5 filed under seal. For those portions of the materials submitted under seal, Arista files this
6 administrative motion only to afford Cisco the opportunity to defend its confidentiality
7 designations as provided by Civil Local Rule 79-5(e).

8 Dated: September 16, 2016

KEKER & VAN NEST LLP

9 WILSON SONSINI GOODRICH & ROSATI

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11 By: /s/ Andrea Nill Sanchez
ANDREA NILL SANCHEZ

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